

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference

see form PCT/ISA/220

#### FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/014353

International filing date (day/month/year)

16.12.2004

Priority date (day/month/year)

18.12.2003

International Patent Classification (IPC) or both national classification and IPC

G03G15/20

Applicant

EASTMAN KODAK COMPANY

#### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

10/583163  
International application No.  
PCT/EP2004/014353

AP20 Rec'd PCT/PTO 16 JUN 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2004/014353

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

PCT/EP2004/014353

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Cited documents:**

Reference is made to the following documents:

D1: US 2002/191993

D2: US-A-5 557 388.

**2. Lack of novelty:**

The present application does not meet the criteria of Art. 33(1) PCT, because the subject-matter of the independent claims 1 and 6 is not new in the sense of Art. 33(2) PCT.

2.1 D1 discloses a method for fusing toner to a printing material 5 (see Fig. 6 of D1), wherein the printing material 5 is guided in a contacting manner (belt 87, cf. paragraph 37, 1st sentence) below the toner's glass transition temperature (the belt 87 has no heating means) and the printing material 5 is guided in a non-contacting manner (blowing device 103, cf. paragraph 37, last sentence) above the toner's glass transition temperature (cf. paragraph 37, last sentence, whereby the toner is melted, i.e. the temperature is above the toner's glass transition temperature). Since all the features of present claim 1 are disclosed in D1, the subject matter of claim 1 is not novel in the sense of Art. 33(2) PCT.

2.2 With regard to claim 6, D1 discloses a fusing arrangement 1 with a device 87 for guiding the printing material 5 in a contacting manner and a device 103 for guiding the printing material 5 in a non-contacting manner, as discussed above in point 2.1. Therefore, the subject matter of claim 6 is not novel in the sense of Art. 33(2) PCT.

2.3 As another example of the broad formulation of present claims 1 and 6, reference is made to Fig. 4 of D1 and to Fig. 1 of D2, over which the subject-matter of present claims 1 and 6 is also not novel in the sense of Art. 33(2) PCT.

**3. Dependent claims:**

Dependent claims 2 to 5 and 7 to 16 do not contain any features which, in combination

with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty:

claim 2, 3: area or section or strip has no specific technical meaning, hence the surface as a whole of the printing material is considered also implied by the wording of these claims.

claim 4: cf. paragraph 39, 4th sentence and Fig. 6 of D1.

claim 5: cf. paragraph 37 on p. 5, 1st sentence of D1.

claims 7, 16: all heating arrangements are perpendicular to the transport direction of the printing material.

claim 8: ref. 103 in Fig. 6 of D1.

claim 9: cf. col. 4, l. 44-49 and Fig. 1 of D2.

claim 10: cf. paragraph 40, last sentence of D1.

claim 11: see Fig. 6 of D1, or col. 4, l. 44-49 and Fig. 1 of D2.

claim 12: see Fig. 1 of D2.

claim 13, 14: see Fig. 4 and paragraph 29-30 of D1.

claim 15: belt 87 in Fig. 6 of D1 acts by pushing the printing material (cf. paragraph 37 on p. 5, first sentence).